

House File 2438 - Introduced

HOUSE FILE 2438
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 744)
(SUCCESSOR TO HSB 44)

A BILL FOR

1 An Act relating to the criminal offense of enticing or
2 attempting to entice a minor and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710.10, Code 2009, is amended to read as
2 follows:

3 **710.10 Enticing away a minor.**

4 1. A person commits a class "C" felony when, without
5 authority and with the intent to commit sexual abuse or sexual
6 exploitation upon a minor under the age of thirteen, the person
7 ~~entices away the minor under the age of thirteen, or entices~~
8 away or attempts to entice a person reasonably believed to be
9 under the age of thirteen.

10 2. A person commits a class "D" felony when, without
11 authority and with the intent to commit an illegal act upon
12 a minor under the age of sixteen, the person ~~entices away a~~
13 ~~minor under the age of sixteen, or entices away or attempts~~
14 to entice a person reasonably believed to be under the age of
15 sixteen.

16 ~~3. A person commits an aggravated misdemeanor when, without~~
17 ~~authority and with the intent to commit an illegal act upon a~~
18 ~~minor under the age of sixteen, the person attempts to entice~~
19 ~~away a minor under the age of sixteen, or attempts to entice~~
20 ~~away a person reasonably believed to be under the age of~~
21 ~~sixteen.~~

22 ~~4. A person's intent to commit a violation of this~~
23 ~~section may be inferred when the person is not known to the~~
24 ~~person being enticed away and the person does not have the~~
25 ~~permission of the parent, guardian, or custodian to contact the~~
26 ~~person being enticed away.~~

27 3. A person shall not be convicted of a violation of this
28 section unless the person commits an overt act evidencing a
29 purpose to entice.

30 ~~5.~~ 4. For purposes of determining jurisdiction under
31 section 803.1, an offense is considered committed in this state
32 if the communication to ~~entice away a minor~~ or attempt to
33 entice a person believed to be a minor who is present in this
34 state originates from another state, or the communication to
35 ~~entice away a minor~~ or attempt to entice a person believed to

1 be a minor is sent from this state.

2 EXPLANATION

3 This bill relates to the criminal offense of enticing a
4 minor.

5 The bill renames the criminal offense of enticing away
6 a minor to enticing a minor, and eliminates the provisions
7 related to enticing "away" a minor.

8 The bill changes the criminal penalty for attempting to
9 entice a person reasonably believed to be under the age of 13
10 with the intent to commit sexual abuse or sexual exploitation.
11 Under the bill, the criminal penalty is changed from an
12 aggravated misdemeanor to a class "C" felony.

13 The bill also changes the criminal penalty for attempting
14 to entice a person reasonably believed to be under the age of
15 16, without authority, and with the intent to commit an illegal
16 act. Under the bill, the criminal penalty is changed from an
17 aggravated misdemeanor to a class "D" felony.

18 The bill specifies that a person shall not be convicted of a
19 violation of enticing a minor or an attempt to entice a minor
20 unless the person commits an overt act evidencing a purpose to
21 entice.

22 Under current law and the bill, a person who commits enticing
23 or attempting to entice a minor is subject to an additional
24 special sentence pursuant to Code chapter 903B and shall
25 register as a sex offender for 10 years plus the length of any
26 special sentence.

27 The amendments in the bill are in response to State v.
28 Hansen, 750 N.W.2d 111 (Iowa 2008) and State v. Quinn, 691
29 N.W.2d 403 (Iowa 2005).